REMARKS

Claims 1-43 are pending.

The Examiner has rejected independent claims 1, 21, 31, 35, and 39 under 35 U.S.C. § 101 as being directed to non-statutory subject matter because "the claims do not produce a tangible result." Applicant respectfully disagrees.

Applicant would like to first point out that Section 2106 of the MPEP, which the Examiner is relying upon in rejecting these claims, has been replaced since the date of the Office Action.

The new Section 2106 outlines the steps to be used to determine whether a claim is directed to statutory subject matter under 35 U.S.C. § 101. The first step is to determine whether the claim falls within an enumerated statutory category: process, machine, manufacture, or composition of matter. (MPEP 2106.IV.B.) There is no question that the applicant's claims are directed to a process (e.g., method claims), a machine (e.g., computer system claims), or a manufacture (e.g., computer-readable medium claims). When a claim falls within a statutory category, the next step is to determine whether the claims fall within a judicial exception: laws of nature, natural phenomena, and abstract ideas. (MPEP 2106.IV.C.) The Examiner has not indicated that the claims fall into one of these judicial exceptions. Indeed, the claims are not directed to a law of nature, natural phenomena, or an abstract idea, but rather to the generation and use of help files. Only when it is determined that a claim is directed to a judicial exception, does the determination of whether a claimed invention produces a tangible result come into play. Thus, since the claims do not fall into a judicial exception, the claims are directed to statutory subject matter and the tangible result test is not applicable.

The Examiner has rejected claims 1-43 under 35 U.S.C. § 102(b) as being anticipated by Coleman. Applicant respectfully disagrees. As a first matter, the Examiner has not referenced any portion of Coleman in rejecting the claims. Rather, the Examiner

simply quotes the claim language and asserts that Coleman teaches the quoted claim language. Applicant does not understand what aspects of Coleman that the Examiner believes correspond to the claimed invention. In particular, the pertinence of Coleman is not apparent to applicant. (See, 37 C.F.R. § 1.104(c)(2).) Applicant respectfully requests clarification.

Applicant can find nothing in Coleman even remotely similar to the claimed invention. Applicant's claims recite "failed user queries," the modifying of help files, the use of help files that are "derived from failed user queries," or help files themselves that are derived from "failed user queries." For example, claims 1-34 recites "collecting failed user queries" and "modifying the help file," or similar language. Claims 35-38 recite "providing a help file...derived from failed user queries." Claims 39-43 recite a help file with "data derived from failed user queries."

Coleman, in contrast, describes a user interface for accessing help information, but does not mention anything about creating or modifying a help file or about "failed user queries." As such, Coleman neither teaches nor suggests the claimed inventions.

Based upon the above remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

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